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Filing date: **10/22/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Lipsy, Ltd.		
Entity	Limited Company	Citizenship	United Kingdom
Address	45-46 Berners Street London, W1T3NE UNITED KINGDOM		
Attorney information	Gwenn Roos Law Office of Gwenn Roos 26 Brookdale Avenue Wellesley, MA 02482 UNITED STATES gwenn@onsidecounsel.com Phone:781.888.0424		

Registration Subject to Cancellation

Registration No	2926041	Registration date	02/08/2005
Registrant	A.I.J.J. Enterprises, Inc. 1000 Pennsylvania Avenue Brooklyn, NY 11207 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2003/09/22 First Use In Commerce: 2003/09/22 All goods and services in the class are cancelled, namely: women's, ladies and children's clothing, namely, sweaters, skirts, pants, shorts, tee shirts, underwear, cover-ups, jump suits, jumpers, jeans, pajamas, robes, sleepers, tops, shirts, blouses, newborn and infant wear, raincoats, scarves, hats, hoods, gloves, jackets, coats, socks, rompers, vests, shoes, ties, dresses, swimwear, lingerie, belts, sweatshirts, turtleneck shirts; and for body wear and exercise wear, namely, bathing suits, leotards, warm-up suits and sweatsuits
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Grounds for Cancellation

Abandonment	Trademark Act section 14
The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14

Attachments	Lipsy Cancellation.pdf (2 pages)(107433 bytes)
Signature	/geroos/
Name	Gwenn Roos

Date	10/22/2007
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Lipsy Limited)	
Petitioner,)	In the Matter of Trademark Reg.
)	No. 2926041
v.)	
)	For the Mark: LIPSY
A.I.J.J. Enterprises, Inc.)	
Registrant.)	Registered: February 8, 2005

PETITION FOR CANCELLATION

Petitioner, Lipsy Limited, believes that it is or will be damaged by the above-identified registration, and hereby petitions to cancel the same. Grounds for cancellation are set forth below:

1. Petitioner offers a wide variety of clothing items under the trademark LIPSY and LIPSY DESIGNS, including trendy clothing for children, teens, men and women.
2. Petitioner has been offering clothing under the LIPSY brand in the United Kingdom and throughout Europe since as early as 1998. The LIPSY mark has become well known and famous throughout Europe.
3. Further, Petitioner has been manufacturing and distributing clothing under the LIPSY logo and the LIPSY brand in the United States as well.
4. Registrant, A.I.J.J. Enterprises, Inc., owns Trademark Registration No. 2926041 for LIPSY, registered for "Women's, ladies and children's clothing, namely, sweaters, skirts, pants, shorts, tee shirts, underwear, cover-ups, jump suits, jumpers, jeans, pajamas, robes, sleepers, tops, shirts, blouses, newborn and infant wear, raincoats, scarves, hats, hoods, gloves, jackets, coats, socks, rompers, vests, shoes, ties, dresses, swimwear, lingerie, belts, sweatshirts, turtleneck shirts; and for body wear and exercise wear, namely, bathing suits, leotards, warm-up suits and sweatsuits." This registration has been cited by the United States Patent Office (the "PTO") as the basis for a Trademark Act Section 2(d) refusal of Petitioner's applications, namely, Serial Nos. 78/929417, 78/929418 and Serial No. 78/929422, all for clothing. Thus, the mark is and will cause damage to Petitioner, by, among other things, interfering with Petitioner's right to use its LIPSY marks in connection with the above-identified goods.

5. On information and belief, A.I.J.J. Enterprises, Inc. is not entitled to registration of the cited mark because it obtained the registration by defrauding the Patent and Trademark Office.
6. On information and belief, A.I.J.J. Enterprises, Inc. is retail clothing outlet, selling clothing brands of third parties, including LIPSY. Registrant does not own the LIPSY brand, but rather sells LIPSY brand goods through its retail outlets, specifically, its 5-7-9 and Beyond outlets.
7. Upon information and belief, Registrant may have obtained its registration for LIPSY by providing specimens of Applicant, Lipsy, Ltds, product as proof of use of the mark in commerce. When, in fact, A.I.J.J. Enterprises, Inc. is not a manufacturer or supplier of clothing, but rather a retail outlet for clothing and was simply selling the Applicant's product.
8. On information and belief, A.I.J.J. Enterprises, Inc. is not using the cited mark in interstate commerce, but is rather, selling Applicant's Lipsy products in its retail stores.
9. Petitioner is damaged by the registration of Registrant's mark because the PTO has refused Petitioner's application to register LIPSY LOGO on the grounds that, under 37 C.F.R Sec. 2(d), there is likelihood of confusion between Petitioner's marks and that of Registrant, when, in fact, the cited mark actually belongs to the Applicant.
10. In view of the above allegations, Registrant is not entitled to registration of its alleged mark since, upon information and belief, the mark should be canceled by the PTO.

WHEREFORE, Petitioner believes that it is damaged by Registration No. 2926041 and prays that it be cancelled.

Please address all communication to Gwenn Roos, Law Office of Gwenn Roos, 26 Brookdale Avenue, Wellesley, MA 02482.

Dated: October 21, 2007



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